

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re Terrorist Attacks on September 11, 2001</b>	<b>03 MDL 1570 (GBD)(SN) ECF Case</b>
--	---

**This document also relates to member case:**

***Marie Laure Anaya, et al. v. Islamic Republic of Iran, 1:18-cv-12341 (GBD) (SN)***

***(ANAYA/IRAN IV)***

I, PATRICK JOSEPH DONAHUE, declare, pursuant to 28 U.S.C. Section 1746, as follows:

1. I am associated with The Donahue Law Firm, one of four law firms representing the Plaintiffs in the above-captioned *Marie Laure Anaya, et al. v. Islamic Republic of Iran, 1:18-cv-12341-GBD-SN* (the “*Anaya Action*”). I was admitted *pro hac vice* in the *Anaya Action* on January 15, 2019. I submit this Declaration in support of the motion by Donovan Lanham, Gary Lanham, and Jasmine Jackman (collectively, “Movants”), who are stepchildren of the late Michael W. Lowe who was killed in the collapse of the World Trade Center on September 11, 2001. Movants seek a partial default judgment against the Islamic Republic of Iran (“Iran”), consistent with judgments previously entered by this Honorable Court, awarding to each of them compensatory damages for loss of solatium in the amount of \$8,500,000, plus prejudgment interest thereon at the rate of 4.96 percent per annum, compounded annually for the period from September 1, 2001 until the date of judgment.

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (MDL ECF No. 3435), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be

accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief)."

- b. The Court's Order dated October 14, 2016 (MDL ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236-GBD-SN and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977-GBD-SN directing that proposed default judgments for compensatory damages must not include awards of punitive damages and must state a rate of 4.96 percent per annum for prejudgment interest.
- c. The Court's Order dated October 20, 2016 (MDL ECF No. 3368) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236-GBD-SN and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977-GBD-SN directing that motions for solatium damages for non-immediate family members include a declaration from each claimant evidencing his or her relationship with the decedent.

3. The form of this motion and the relief requested herein are also consistent with the form and relief requested and granted to plaintiffs in *Ashton v. al Qaeda Islamic Army*, 02-cv-6977 (GBD)(SN) and other cases in this multidistrict litigation.

4. Service of process on The Islamic Republic of Iran in the *Anaya* Action was executed pursuant to 28 U.S.C. § 1608(a)(4) on June 29, 2020 through diplomatic channels. *See* 18-cv-12341 ECF No. 47 at ¶¶ 6-10 and Exhibit 3.

5. The sources of my information and the bases for my belief in the statements contained herein are my personal involvement in representing *Anaya* Plaintiffs in connection with the September 11<sup>th</sup> litigation; communications directly with the personal representatives and family members of individuals killed in the September 11, 2001 terrorist attacks, including Movants and their mother Vivian Lanham-Lowe; communications with my co-counsel herein; communications with counsel representing other plaintiffs in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation (the "MDL"); documents and public records contained in my firm's files; and court records relating to the MDL. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

6. My firm was retained by Movants to pursue claims against the Iran for its role in the terrorist attacks in the United States on September 11, 2001 (the “September 11th Attacks”). On October 5, 2021, the Court granted a judgment of default as to liability against Iran and in favor of *Anaya* Plaintiffs, including Movants (the “October 5, 2021 Judgment”). *See* 18-cv-12341 ECF No. 70; MDL ECF No. 7178. The October 5, 2021 Judgment awarded compensatory damages for solatium to *Anaya* Plaintiffs who were immediate family members of individuals killed in the September 11<sup>th</sup> Attacks (“9/11 Decedents”) and damages for pain and suffering to the estates of 9/11 Decedents. *See id.* at Exs. A and B. The October 5, 2021 Judgment authorized Movants Donovan Lanham, Gary Lanham, and Jasmine Jackman to submit applications for judgments for solatium, punitive or other damages at a later date. *See id.*; MDL ECF No. 7178.

7. Movants have each provided my firm with evidence of their United States citizenship on September 11, 2001.

8. Before filing this motion, I have complied with the due diligence safeguards referenced in Section II.D of the January 23, 2017 letter from the Plaintiffs’ Executive Committee (ECF No. 3433), and have personally verified that, based on my review of the records available to me regarding other lawsuits against the Islamic Republic of Iran and Iranian government agencies related to the September 11<sup>th</sup> Attacks and judgments entered by this Court in those actions, Movants have not previously been awarded a judgment against Iran or any Iranian government defendant in relation to the September 11<sup>th</sup> Attacks, and have no other motion pending before this Honorable Court for compensation arising out of the September 11<sup>th</sup> Attacks.

**Evidence of Movants' Relationships with Michael W. Lowe**

9. Annexed hereto as **Exhibit 1** is a true and correct copy of the Declaration of Vivian Lanham-Lowe executed on August 24, 2022, in which Ms. Lanham-Lowe attests to the length of her marriage with Michael Lowe, and the nature of his relationships with her four children, and the financial support he provided for them. Ms. Lanham-Lowe attests that the biological father of her children Donovan, Gary, and Jasmine abandoned them when they were very young.

10. Annexed hereto as **Exhibit 2** is a true and correct copy of the Declaration of Donovan Lanham executed on August 15, 2022, attesting to his relationship with his stepfather Michael Lowe.

11. Annexed hereto as **Exhibit 3** is a true and correct copy of the Declaration of Gary Lanham executed on August 15, 2022, attesting to his relationship with his stepfather Michael Lowe.

12. Annexed hereto as **Exhibit 4** is a true and correct copy of the Declaration of Jasmine Jackman executed on August 12, 2022, attesting to her relationship with her stepfather Michael Lowe.

13. As explained in the accompanying memorandum of law, the nature and duration of Movants' relationships with their late stepfather satisfy the framework established by this Honorable Court in prior decisions in the MDL awarding solatium damages to non-immediate family members of individuals killed in the September 11<sup>th</sup> Attacks who qualify as "functional equivalents" of immediate family members. Wherefore, I respectfully request this Honorable Court to award solatium damages to Donovan Lanham, Gary Lanham, and Jasmine Jackman in the amount of \$8,500,000 each, which this Honorable Court has previously determined to be the

appropriate amount for solatium damages for similarly situated stepchildren of individuals killed in the September 11<sup>th</sup> Attacks.

**Prejudgment Interest**

14. Previously, this Honorable Court has awarded prejudgment interest at the rate of 4.96 percent compounded annually on awards of solatium damages to other *Ashton* plaintiffs who are non-immediate family members of 9/11 Decedents. *See* 03-md-1570 (S.D.N.Y.) (GBD)(SN), ECF 4173, entered September 13, 2018. I respectfully request this Honorable Court to award prejudgment interest at the same rate to Donovan Lanham, Gary Lanham, and Jasmine Jackman.

15. Accordingly, I respectfully request that this Honorable Court grant the instant motion and enter partial final judgment in favor of Donovan Lanham, Gary Lanham, and Jasmine Jackman and against the Islamic Republic of Iran.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Annapolis, Maryland on October 24, 2022.

  
\_\_\_\_\_  
PATRICK JOSEPH DONAHUE